

R E M A R K S

Claim 1 was rejected under 35 USC 103(a) as unpatentable over Miyakawa et al (US Patent No. 5,699,872) in view of Ida et al (US Patent No. 4,978,864) for the reasons stated in the Office Action.

The present claimed invention recites an engine starter that includes a recoil device and a ring gear operatively rotated with the recoil device. A recoil cover accommodates the recoil device and the ring gear therein and a starter device has pinions which engage with the ring gear. The engine starter further includes a drain mechanism provided on the recoil cover for allowing a liquid entering from the recoil cover to be discharged by one-touch operation.

It is respectfully submitted that the Examiner misunderstands the engine starter as disclosed by Miyakawa. The ring gear of the present claimed invention is rotated with a recoil device. On the other hand, the ring gear 83 of Miyakawa is not rotated with a recoil starter 85 which corresponds to the recoil device of the present claimed invention. The ring gear 83 of Miyakawa is mounted on a crankshaft 79 through a one way clutch 84, and is not connected to or operatively rotated with the recoil starter 85 as in the present claimed invention. Therefore, based on the above construction, the ring gear of Miyakawa can be rotated only by a starter motor (not shown).

Additionally, the ring gear 83 of Miyakawa is connected to the rotor 81 through the one-way clutch 84. The rotor 81 is thus, directly connected to the crank shaft 79, which is directly

connected to the recoil device 86. Thus, the ring gear 83 and the crank shaft 79 are not directly connected each other. Therefore, the ring gear 83 of Miyakawa is not rotatable by the crankshaft as is asserted by the Examiner. Rather the ring gear 83 is rotatably supported on the crank shaft 79.

Furthermore, as in the characteristics of the one-way clutch 84, when being driven by the ring gear 83, namely the starter, both the ring gear 83 and the crank shaft 79 are integrally rotated. However, driven by the crank shaft 79, namely the recoil device, the one-way clutch 84 runs idle and the ring gear 83 does not rotate. Thus, the ring gear 83 in Miyakawa is not rotated by the recoil device. Unlike the present claimed invention, Miyakawa neither discloses nor suggests the ring gear operatively rotated by the recoil device.

Also, the recoil cover of the present application contains the recoil device and the ring gear. This is unlike the second rear cover 87 of Miyakawa, which corresponds to the recoil cover of the present invention, which does not contain the ring gear. Miyakawa also neither discloses nor suggests a drain mechanism provided on a recoil cover for allowing a liquid entering from said recoil cover to be discharged by one-touch operation as in the present claimed invention.

Ida et al. discloses a draining mechanism provided on an engine cover for allowing a liquid entering from said recoil cover to be discharged by a one-touch operation as shown in Figure 5 thereof. However, Ida et al. neither discloses nor suggests a drain mechanism that discharges liquid with a one-touch operation as in the present claimed invention. Rather, as stated Ida et al

discloses a plug for securing the shield member to the rear bracket (see line 54 of column 3 through line 5 of column 4 of Ida et al.). The plug 18 of Ida et al does not correspond to the drain cap 8c of the present claimed invention. Removing the plug 18 of Ida causes the shield member to be dislocated from the engine starter, whereas removal of the drain cap 8c of the present claimed invention, allows for draining the liquid contained within the recoil cover using a one-touch operation. While the water contained in the shield member of Ida et al. might also be drained by removing the plug 18 thereof, the removal of that plug disassembles the drain mechanism of Ida et al, and thus it is not accomplished by a one-touch operation.

In view of the above remarks, it is respectfully submitted that Miyakawa et al, when taken alone or in combination with Ida et al. adds nothing that renders the present claimed invention unpatentable. Thus it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

Claim 2 was rejected under 35 USC 103(a) as being unpatentable over Miyakawa et al. in view of Ida et al. As applied to claim 1 above, and further in view of Gotoh. Gotoh was cited for disclosing a drain mechanism including a transparent pipe member. However, Gotoh neither discloses nor suggests having an engine starter having a ring gear formed integral with and operatively rotated by a recoil device as in the present claimed invention. Additionally, Gotoh neither discloses nor suggest having a one-touch draining mechanism as in the present claimed invention. In view of the above remarks, and the remarks regarding the rejection of claim 1, it is respectfully submitted that Gotoh adds nothing when taken alone or in combination with Miyakawa et

al and Ida et al that renders the present invention as claimed in claim 2 unpatentable. Thus, it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

Claim 3 was rejected under 35 USC 103(a) as unpatentable over Miyakawa et al in view of Ida et al as applied to claim 1, and further in view of Haynes (US Patent No. 4,757,710) on the grounds set forth in the Office Action. Haynes is cited for disclosing the use of a window on an engine cover to view liquids contained therein. However, Haynes neither discloses nor suggests having a engine starter having a ring gear formed integral with and operatively rotated by a recoil device. Additionally, Haynes neither discloses nor suggest having a one-touch draining mechanism as in the present claimed invention. In view of the above remarks, and the remarks regarding the rejection of claim 1, it is respectfully submitted that Haynes adds nothing when taken alone or in combination with Miyakawa et al and Ida et al that renders the present invention as claimed in claim 3 unpatentable. Thus, it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

Claim 4 was rejected under 35 USC 103(a) as unpatentable over Miyakawa et al in view of Ida et al and Gotoh as applied to claim 2, and further in view of Haynes for the reasons stated in the Office Action. Haynes is cited for disclosing the use of a window on an engine cover to view liquids contained therein. However, as previously discussed, none of Miyakawa et al., Ida et al., Gotoh, and Haynes discloses or suggests having a engine starter having a ring gear formed integral with and operatively rotated by a recoil device. Additionally, none of these references either discloses or suggest having a one-touch

draining mechanism as in the present claimed invention. In view of the above remarks, and the remarks regarding the rejection of claim 1, it is respectfully submitted that Haynes adds nothing when taken alone or in combination with Miyakawa et al, Ida et al, and Gotoh that renders the present invention as claimed in claim 4 unpatentable. Thus, it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

Claim 5 was rejected under 35 USC 103(a) as unpatentable over Miyakawa et al in view of Ida et al as applied to claim 1, and further in view of Ide (US Patent No. 4,038,051) on the grounds set forth in the Office Action. Ide discloses a compressed air injection hole for introducing air to forcibly discharge the liquid inside a cover. However, Ide neither discloses nor suggests having a engine starter having a ring gear formed integral with and operatively rotated by a recoil device. Additionally, Ide neither discloses nor suggest having a one-touch draining mechanism as in the present claimed invention. In view of the above remarks, and the remarks regarding the rejection of claim 1, it is respectfully submitted that Ide adds nothing when taken alone or in combination with Miyakawa et al and Ida et al that renders the present invention as claimed in claim 4 unpatentable. Thus, it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

Claim 6 was rejected under 35 USC 103(a) as unpatentable over Miyakawa et al in view of Ida et al and Gotoh as applied to claim 2, and further in view of Ide for the reasons stated in the Office Action. As discussed above, none of Miyakawa et al., Ida et al., Gotoh, and Ide either disclose or suggest having a engine starter having a ring gear formed integral with and operatively

rotated by a recoil device. Additionally, none of these references either disclose or suggest having a one-touch draining mechanism as in the present claimed invention. In view of the above remarks, and the remarks regarding the rejection of claim 1, it is respectfully submitted that Ide adds nothing when taken alone or in combination with Miyakawa et al, Ida et al, and Gotoh that renders the present invention as claimed in claim 6 unpatentable. Thus, it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

Claim 7 was rejected as unpatentable over Miyakawa et al in view of Ida et al and Haynes as applied to claim 3, and further in view of Ide on the grounds set forth in the Office Action. As discussed above, none of Miyakawa et al., Ida et al., Gotoh, and Ide either disclose or suggest having a engine starter having a ring gear formed integral with and operatively rotated by a recoil device. Additionally, none of these references either disclose or suggest having a one-touch draining mechanism as in the present claimed invention. In view of the above remarks, and the remarks regarding the rejection of claim 1, it is respectfully submitted that Ide adds nothing when taken alone or in combination with Miyakawa et al, Ida et al, and Haynes that renders the present invention as claimed in claim 7 unpatentable. Thus, it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

Claim 8 was rejected under 35 USC 103(a) as unpatentable over Miyakawa et al in view of Ida et al, Haynes and Gotoh as applied to claim 4, and further in view Ide for the reasons stated in the Office Action. As discussed above, none of Miyakawa et al., Ida et al., Gotoh, and Ide either disclose or suggest having a engine

starter having a ring gear formed integral with and operatively rotated by a recoil device. Additionally, none of these references either disclose or suggest having a one-touch draining mechanism as in the present claimed invention. In view of the above remarks, and the remarks regarding the rejection of claim 1, it is respectfully submitted that Ide adds nothing when taken alone or in combination with Miyakawa et al, Ida et al, Haynes, and Gotoh that renders the present invention as claimed in claim 8 unpatentable. Thus, it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

In the event there are further issues remaining the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Since the present claims set forth the present invention patentably and distinctly, and are not taught by nor obvious from the cited art as correctly recognized by the Examiner, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted
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by: _____

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the accompanying Amendment Upon Final Rejection is being facsimile transmitted to the Patent & Trademark Office on March 21, 2003.

Signed by Martin A. Farber
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